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MEMO ENDORSED

April 19, 2022

VIA ECF

Honorable Collen McMahon
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

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Re: Perez-Victorio, et al. v. the City of New York, et al.,
19 Civ. 421 (CM) (GWG)

Your Honor:

I am the attorney assigned to represent the City of New York (“Defendant”) in the above-referenced matter. Defendant writes to respectfully request that the Court So Order the proposed briefing schedule set forth below for summary judgment motions. Plaintiff’s position on this request was not obtainable.

By way of brief background, Plaintiff, as the administratrix of the Estate of Angel Perez-Rios and on her own behalf, filed this matter on January 15, 2019, alleging, *inter alia*, a claim against the City of New York for deliberate indifference to the decedent’s medical care while he was held in the custody of the New York City Department of Correction (“DOC”). Specifically, Plaintiff alleges that her father’s suicide on January 26, 2016, while in DOC custody, stemmed from this deliberate indifference. The only defendant ever properly named and served in this matter is the City of New York. (See Dkt. No. 53 (denying leave to amend, and noting Plaintiff’s only claim is against the City under federal law)).

On April 5, 2021, after the close of discovery but before summary judgment motions were filed, all deadlines in this matter were adjourned *sine die* pending determination of Plaintiff’s motion to amend the complaint. (Dkt. No. 42). Plaintiff ultimately moved for leave to amend the complaint on March 11, 2020, which was denied on April 14, 2022. (Dkt. Nos. 49 &

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53, respectively). Therefore, Defendant City of New York now respectfully requests that the Court set the following briefing schedule for its motion for summary judgment:

- Initial motion papersMay 18, 2022;
- Opposition briefs.....June 20, 2022;
- Reply briefs.....July 5, 2022.

Thank you for your consideration of this matter.

Respectfully submitted,

Peter W. Brocker
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Senior Counsel

cc: All counsel of record (via ECF)